

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**IN THE MATTER OF THE PETITION OF
NICOLE DINELLE, for the Return
of Bail Money Posted on Behalf of
Gaetan Dinelle**

UNITED STATES OF AMERICA

5:08-CR-676-002 (NAM)

5:07-CR-486-001 (NAM)

-v-

GAETAN DINELLE,

Defendant.

APPEARANCES:

Hon. Richard S. Hartunian, United States Attorney, Northern District of New York
Carl Eurenus, Esq. Assistant United States Attorney
100 South Clinton Street
Syracuse, New York 13261

Ryan Law Office
Thomas W. Ryan, Esq., of counsel
217 Montgomery Street
1200 Hills Building
Syracuse, New York 13202
Attorney for Defendant

Nicole Dinelle
Petitioner, *pro se*

Hon. Norman A. Mordue, Senior U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

Petitioner Nicole Dinelle filed this petition (5:08-CR-676, Dkt. No. 289; 5:07-CR-486, Dkt. No. 32) for return of \$25,000. The sum was deposited to secure the appearance of Gaetan Dinelle in *United States v. Dinelle*, 5:07-CR-486. On May 6, 2008, on the government's motion, the counts against Gaetan Dinelle in that case were dismissed (5:07-CR-486, Dkt. No. 29).

Upon referral pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c), United States Magistrate Judge David E. Peebles issued a Report and Recommendation (5:08-CR-676, Dkt. No. 338; 5:07-CR-486, Dkt. No. 34) in which he finds that \$20,000 of the \$25,000 originated with petitioner, Nicole Dinelle, while \$5,000 was paid by defendant Gaetan Dinelle. Magistrate Judge Peebles recommends that an order be issued authorizing and directing the Clerk to forward \$20,000 of the disputed bail monies to petitioner Nicole Dinelle, and that the remaining \$5,000 be deemed to have been posted by defendant Gaetan Dinelle and be transferred to the Court's CJA registry and applied toward the expense of providing defendant Dinelle with assigned counsel in *United States v. Gaetan Dinelle*, No. 5:08-CR-676.

The Court has received no objection to the Report and Recommendation. Upon review, the Court finds no error or manifest injustice therein. It is therefore

ORDERED that the Report and Recommendation (5:08-CR-676, Dkt. No. 338; 5:07-CR-486, Dkt. No. 34) is accepted; and it is further

ORDERED that the petition of Nicole Dinelle (5:08-CR-676, Dkt. No. 289; 5:07-CR-486, Dkt. No. 32) for the payment to her of \$25,000 is granted in part and denied in part; and it is further

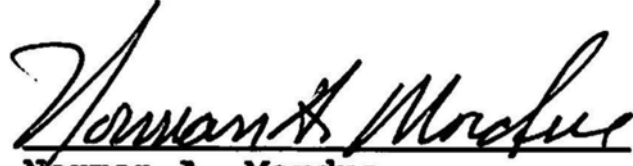
ORDERED that Clerk shall forward \$20,000 of the disputed bail monies to petitioner Nicole Dinelle; and the remaining \$5,000 shall be deemed to have been posted by defendant Gaetan Dinelle and transferred to the Court's CJA registry and applied toward the expense of providing defendant Dinelle with assigned counsel in *United States v. Gaetan Dinelle*, No. 5:08-CR-676; and it is further

ORDERED that the Clerk is directed to serve copies of this Memorandum-Decision and

Order in accordance with the Local Rules of the Northern District of New York, and shall serve a copy on petitioner Nicole Dinelle by certified mail, return receipt requested.

IT IS SO ORDERED.

Date: March 21, 2016
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge

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